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046700-5055

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CERTIFICATE OF MAILING (37 CFR 1.10)

I hereby certify that this paper (along with any paper referred to as being transmitted therewith) is being deposited with the United States Postal Service on this date November 7, 2001 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL719297633US addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231

Janice Soulas
(Name of Person Mailing Paper)

(Signature of Person Mailing Paper)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Assistant Commissioner for Patents
BOX PATENT APPLICATION
Washington, D.C. 20231

**TRANSMITTAL FOR A NEWLY EXECUTED ORIGINAL APPLICATION
UNDER 37 C.F.R. §1.53(b)**

This is a request for filing a patent application under 37 C.F.R. §1.53(b) for:

Inventor(s): John R. Starr, et al.

For: METHOD FOR SELECTING AN OPTIMAL BALANCE
BETWEEN DIRECT COST AND A NUMBER OF SUPPLIERS

1. This is a new Utility Design Plant patent application.

2. The papers enclosed to obtain a filing date are as follows:

13 Pages of Specification including Title Page

4 Pages of Claims

1 Page of Abstract

4 Sheets of drawings containing 4 Figures

The enclosed drawing(s) are photograph(s), and there is also attached a
PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)

3. Combined Declaration and Power of Attorney

Enclosed and is executed by all inventors.

Not Enclosed.

This application is being filed under the provisions of 37 C.F.R. §1.53(f).

Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.

4. Language

English
 Non-English

This application is being filed in accordance with 37 C.F.R. §1.52(d) and §608.01 of the MPEP. Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the verified English translation and the processing fee.

5. Assignment

An assignment of the invention to FreeMarkets, Inc. and a PTO Form-1595, Recordation Form Cover Sheet, as well as a check in the amount of \$40.00 to cover the fees are enclosed.
 An assignment will be filed at a later date.

6. Priority - foreign applications under 35 U.S.C. §119(a)-(d) or §365(b) or PCT international applications under 35 U.S.C. §365(a) designating at least one country other than the U.S.

Priority of the following foreign application(s) is claimed:

Country	Application No.	Filed

Certified copy/ies: is/are attached. will follow.

7. Priority based on provisional application(s) - 35 U.S.C. §119(e)

Priority of the following provisional application(s) is claimed:

Application No.	Filed

A. Relate Back - 35 U.S.C. §119(e)

Amend the specification by inserting before the first line the sentence:
"This application claims priority of copending provisional application(s) No. _____ filed on _____."

8. Small entity status

Applicant claims small entity status under 37 C.F.R. §§1.9 and 1.27.

9. Fee Calculation (37 C.F.R. §1.16)

CLAIMS FOR FEE CALCULATION				
	Number Filed	Number Extra	at Rate of	Basic Fee
				Utility \$740.00 Design \$330.00
Total Claims (37 C.F.R. §1.16(c))	23 - 20 =	3	\$ 18.00 each =	\$54.00
Independent Claims (37 C.F.R. §1.16(b))	4 - 3 =	1	\$ 84.00 each =	\$ 84.00
Multiple dependent claim(s), if any (37 C.F.R. §1.16(d))		\$260.00	+	
SUB-TOTAL =				\$878.00
Reduction by ½ for filing by a small entity				-\$
TOTAL FILING FEE =				\$878.00

10. Fee Payment

Not Enclosed. **NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.**

This application is being filed under the provisions of 37 C.F.R. §1.53(f).
Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.

Enclosed.

Check in the amount \$878.00 (3 extra claims and 1 extra independent claim).

Please withdraw _____ from Deposit Account 50-0130.

11. **Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. §1.136(a)(3).**

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12. Additional papers enclosed:

- Preliminary Amendment
- Information Disclosure Statement
- Form PTO-1449, documents included
- Declaration of Biological Deposit
- Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Please accord this application an application number and filing date.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



Kim R. Jessum
Reg. No.: 43,694
Daniel H. Golub
Reg. No.: 33,701

Dated: November 7, 2001

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